



State of Washington
PUBLIC DISCLOSURE COMMISSION

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1:30 p.m.
September 9, 2004

MINUTES – SPECIAL MEETING

Evergreen Plaza Bldg. Room 206
711 Capitol Way South
Olympia, Washington

COMMISSION MEMBERS PRESENT

Francis Martin, Secretary

Via Telephone:

Michael Connelly, Chair
Jeannette Wood, Vice Chair
Earl Tilly, Member
Jane Noland, Member

STAFF PRESENT

Vicki Rippie, Executive Director
Susan Harris, Assistant Director
Michael Smith, Chief Technology Officer
Nancy Krier, Senior Counsel
Linda Dalton, Sr. Asst. Attorney General
Ruthann Bryant, Secretary

The special meeting of the Public Disclosure Commission was called to order by Commission Chair Michael Connelly at 1:30 p.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

Enforcement Matter

*Report regarding Voters Education
Committee*

Susan Harris report on the apparent failure to register and report as a political committee by Voters Education Committee, Bruce Boram, Valerie Huntsberry and other unknown agents by:

- Failing to register and report as a political committee;
- Failing to file detailed reports of their contributions received and expenditures made;

- Concealing the amount and identity of the source(s) of their contributions and the amount and recipients of their expenditures.

Ms. Harris added that staff believes the ad is express advocacy and directly attacks the character of Deborah Senn. Staff recommends the Commission refer the matter to the Office of the Attorney General for appropriate action, including seeking a court order compelling Voters Education Committee, Bruce Boram, Valerie Huntsberry or other unknown agents of the Committee to file the disclosure reports required by RCW 42.17.040 through 42.17.090.

Attorney John White was present via telephone and stated that the Voters Education Committee has registered with the Internal Revenue Service as a 527 organization and believes that it is subject to the reporting requirements that are imposed under that part of the federal statute and does not believe that it is required to report under state law. Mr. White maintains that the advertisement focuses on actions taken in Ms. Senn's official capacity not on Ms. Senn as an individual.

Commissioner Connelly commented the underlying principle of the PDC is to ensure voter confidence in the electoral process and to guarantee, to the extent possible subject to the constitution, full disclosure of who is paying for the campaigns and for the ads. He added that to find that this is not express advocacy attacking a character would ignore the intent of the PDC and allow no disclosure on an ad that clearly is geared at attacking an individual. Due to the significant dollar amount and the significance of the statewide campaign he stated that that it would probably warrant referral to the Attorney General.

Commissioner Connelly also stated that the words "cover up," "conflict of interest," "let us down," "who is she looking out for" all are presented in a fashion to attack Ms. Senn's character.

Commissioners Noland, Wood and Martin concur with Commissioner Connelly's comments.

Commissioner Tilly expressed his disappointment that the group is not complying with the spirit of the law.

Motion 05-014

Moved by Commissioner Martin, seconded by Commissioner Wood:

The Commission finds apparent multiple violations of RCW 42.17.040 through 42.17.090 and RCW 42.17.120 by Voters Education Committee, Bruce Boram, Valerie Huntsberry and other unknown agents and refers the matter to the Office of the Attorney General for appropriate action including seeking a court order compelling them to file the required disclosure reports.

The motion passed unanimously.

Adjournment

Commissioner Connelly adjourned the meeting at 2:05 p.m. The next meeting is scheduled for Tuesday, September 28, 2004.

Approved by the Commission 9/28/04